IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.8568 OF 2005
IN
CRIMINAL APPEAL NO. OF 2005

Vinaykumar S. Tendulkar ...Applicant.
V/s.
Subhash Saklecha & Ors. ...Respondents.

Shri Gajendra Jadhav, adv. for the Applicant.
Smt.M.H.Mhatre, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 2nd April, 2007.

P.C.:

1. Heard Mr.Gajendra Jadhav the learned counsel for the applicant. None for the respondent nos.1 and 2, who are original accused. Perused roznama of the trial Court and the impugned order.

2. The complaint was dismissed in default by the Special Metropolitan Magistrate and Small Causes Court, Mumbai on 26-9-2005 on the ground that the complainant and accused both were absent. According to the complainant, he was not aware of the transfer of this case from the Metropolitan Magistrate, 14th Court, Girgaum to the Small Causes Court. In view of the circumstances noted above, leave to prefer appeal against the order of dismissal of the case is granted. As leave to prefer appeal is granted, this appeal be

registered.

3. Notice to the respondents returnable 3 weeks clearly indicating that the appeal shall be disposed off finally at the stage of admission itself. Private service is allowed.

(J.H.Bhatia,J.)